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3 **IN THE UNITED STATES DISTRICT COURT**
4 **FOR THE DISTRICT OF ARIZONA**

5 IN RE BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

This Document Relates to:
2:16-cv-02078 DGC

**FIRST AMENDED MASTER SHORT
FORM COMPLAINT FOR DAMAGES
FOR INDIVIDUAL CLAIMS AND
DEMAND FOR JURY TRIAL**

7
8 Plaintiff(s) named below, for their Complaint against Defendants named below,
9 Incorporates the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

10 Plaintiff(s) further show the Court as follows:

11 1. Plaintiff/Deceased Party:

12 Michael S. Zimmermann (Deceased)

13 2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
14 consortium claim:

15 Carol Ann Zimmermann

16 3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
17 conservator):

18 Carol Ann Zimmerman – Anticipated Personal Representative

19 4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at
20 the time of implant:

21 Florida

1 5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at
2 the time of injury:

3 Florida

4 6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

5 Florida

6 7. District Court and Division in which venue would be proper absent direct filing:

7 United States District Court, Middle District of Florida

8 8. Defendants (check Defendants against whom Complaint is made):

9 X C.R. Bard Inc.

10 X Bard Peripheral Vascular, Inc.

11 9. Basis of Jurisdiction:

12 X Diversity of Citizenship

13 ☐ Other: _____

14 a. Other allegations of jurisdiction and venue not expressed in Master
15 Complaint:

16 _____
17 _____
18 _____
19 10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a
20 claim (Check applicable Inferior Vena Cava Filter(s)):

21 Recovery[®] Vena Cava Filter

22 ☐ G2[®] Vena Cava Filter

☐ G2[®] Express (G2[®]X) Vena Cava Filter

☐ Eclipse[®] Vena Cava Filter

X Meridian[®] Vena Cava Filter

☐ Denali[®] Vena Cava Filter

☐ Other: _____

11. Date of Implantation as to each product:

On or about March 8, 2014

12. Counts in the Master Complaint brought by Plaintiff(s):

X Count I: Strict Products Liability – Manufacturing Defect

X Count II: Strict Products Liability – Information Defect (Failure to Warn)

X Count III: Strict Products Liability – Design Defect

X Count IV: Negligence - Design

X Count V: Negligence - Manufacture

X Count VI: Negligence – Failure to Recall/Retrofit

X Count VII: Negligence – Failure to Warn

X Count VIII: Negligent Misrepresentation

X Count IX: Negligence *Per Se*

X Count X: Breach of Express Warranty

X Count XI: Breach of Implied Warranty

X Count XII: Fraudulent Misrepresentation

1 X Count XIII: Fraudulent Concealment

2 X Count XIV: Violations of Applicable Florida

3 Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade
4 Practices

5 X Count XV: Loss of Consortium

6 X Count XVI: Wrongful Death

7 X Count XVII: Survival

8 X Punitive Damages

9 ☐ Other(s): _____ (please state the facts supporting
10 this Count in the space immediately below)

11 _____
12 _____
13 _____
14 _____
15 _____

16 13. Jury Trial demanded for all issues so triable?

17 x Yes

18 ☐ No

1 RESPECTFULLY SUBMITTED this 1st day of July, 2016.

3 By: /s/ Julie Ferraro
5

Julie Ferraro

Kreindler & Kreindler LLP

855 Boylston Street, 11th Floor

Boston, Massachusetts 02116

T: 617-924-9100

F: 617-924-9120

Jferraro@Kreindler.com

Attorney for Plaintiff

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12 I hereby certify that on this 1st day July, 2016, I mailed via first class mail
13 the enclosed documents to the Clerk's Office.

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16 /s/ Julie Ferraro
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